

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN JONES,

Plaintiff,

v.

PATRICIA BARNHART, ET AL.,

Defendants.

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Case No. 10-12114

SENIOR UNITED STATES DISTRICT JUDGE  
ARTHUR J. TARNOW

MAGISTRATE JUDGE PAUL J. KOMIVES

**ORDER ADOPTING REPORT AND RECOMMENDATION [53] AND  
DENYING MOTIONS FOR DISCOVERY [48] AND SUMMARY  
JUDGMENT [49] WITHOUT PREJUDICE**

On February 6, 2013, Magistrate Judge Komives issued a Report and Recommendation [53] that the Court: (a) enter an order directing the U.S. Marshal to attempt service by mail upon Defendant Patricia Barnhart; (b) enter an order requiring plaintiff to specify who he intends to sue by naming a defendant; (c) deny Plaintiff's July 12, 2012 Motion for Discovery [48] without prejudice; and (d) construe plaintiff's July 12, 2012 Motion for Summary Judgment [49] as a Fed. R. Civ. P. 55 Motion for Entry of Default or Default Judgment and deny it without prejudice. No objection has been filed to the Report and Recommendation.

The Court having reviewed the record, the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED** as to recommendations (a), (c), and (d).

Accordingly, Plaintiff's motions for discovery and summary judgment are **DENIED** without prejudice. The United States Marshall is to effect service on Defendant Patricia Barnhart.

**SO ORDERED.**

s/Arthur J. Tarnow  
ARTHUR J. TARNOW  
SENIOR U.S. DISTRICT JUDGE

Dated: August 22, 2013

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**CERTIFICATE OF SERVICE**

I hereby certify on August 22, 2013 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on August 22, 2013: **John Jones.**

s/Michael E. Lang  
Case Manager to  
District Judge Arthur J. Tarnow  
(313) 234-5182